

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 10, 2009

DIVISION FIVE

B209917 People (Not for Publication)
v.
Joseph Schessler

The judgment is modified to strike the Penal Code section 1202.45 parole revocation fine and correct the presentence custody credits to reflect 485 days of credit. The judgment is affirmed in all other respects.

Turner, P.J.

I concur: Kriegler, J.
I concur: Mosk, J. (opinion)

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Deborah Lee, Deputy Clerk.

Each of the following:

B210661 DCFS v. Margarita M.
B211567 DCFS v. Cynthia S.
B211742 DCFS v. Lucy E.
B211907 DCFS v. Maria R.
B213315 DCFS v. James M.
B213823 DCFS v. Charles S.

Argument waived, cause submitted.

DIVISION SEVEN (continued)

B207469 Corrales
 v.
 County of Los Angeles

Merits:
Argued by Howard Kapp for appellant and by Martin Stein for respondent.
Cause submitted.

207392 Richard J. Aragon
 v.
 Patricia J. Appling et al.

Merits:
Argued by Peter Wright for appellant and by Christopher Kerr for
respondents. Cause submitted.

B207680 Richard Sol et al.
 v.
 Maison de Ville Homeowners Association

Merits:
Argued by Joel Tamraz for appellants and by Alan Greenberg for
respondent. Cause submitted.

Court recessed.

Court reconvened at 10:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Deborah Lee, Deputy Clerk.

B208733 Teri Pagarigan et al.
 v.
 Libby Care Center

Merits:
Argued by Steven C. Wilhelm for appellants and by Andrew Whitman for
respondent. Cause submitted.

DIVISION SEVEN (continued)

B208231 The People
 v.
 Novinbakht

Merits:

Argued by Brian T. Chu, Deputy County Counsel for respondent and by Roger Diamond for appellant. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Deborah Lee, Deputy Clerk.

B205246 Golden West Health Plan
 v.
 Franchise Tax Board

Merits:

Argued by Norman Lane for respondent and by Marla Markman, Deputy Attorney General for appellant. Cause submitted.

B213606 Birotte
 v.
 Superior Court, Los Angeles County
 (The People, r.p.i.)

Merits:

Argued by Omar Bakari for petitioner and by Tracey Lopez, Deputy District Attorney for real party in interest. Cause submitted.

July 10, 2009 (Continued)

DIVISION EIGHT

B201995 People (Not for Publication)
v.
Gudiel, et al.

We remand this matter to the clerk of the superior court with directions to amend Pena's abstract of judgment only by deleting the terms willful, deliberate, and premeditated from the language describing his offense as second degree murder. The clerk is directed to prepare a modified abstract in accordance with our directions and send a corrected copy to the Department of Corrections. In all other respects, the judgments against Pena, Torres, and Gudiel are affirmed.

Rubin, Acting P.J.

We concur: Bigelow, J.
Bendix, J. (Assigned)

B205746 People (Not for Publication)
v.
Jeremy Peterson

For the reasons set forth above, we modify the judgment to stay the 10-year sentence that was imposed for causing a death while evading a police officer. (Veh. Code, 2800.3.) The clerk of the superior court is directed to modify the abstract of judgment to reflect this change and then send a corrected copy of the abstract to the Department of Corrections. In all other respects, the judgment, as modified, is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bendix, J. (Assigned)

July 10, 2009 (Continued)

DIVISION EIGHT (continued)

B199013 Lance J. Robbins
 v.
 Jeff Davi

Filed order denying petition for rehearing.